

US Serial No. 10/597297
Page 5 of 11

Remarks:

Amendments to the claims:

Claims 1, 3, 5-9, 11-18 and 20-24 are pending in this application. By this Amendment, claims 1, 8 and 22 are amended, claims 2 and 10 are canceled and new claims 23 and 24 are added.

Support for the features added to claim 1 and new claim 24 can be found in FIG. 1, as originally filed, and within the specification, as originally filed, at, for example, the paragraph bridging pages 9 and 10. New claim 23 retains features deleted from amended claim 1 and finds support in the specification, as originally filed, at, for example, page 11, lines 5-7. No new matter is added to the application by this Amendment.

Entry of the amendments is proper under 37 CFR §1.116 since the amendments: (a) place the application in condition for allowance for the reasons discussed herein; (b) do not raise any new issue requiring further search and/or consideration as the amendments amplify issues previously discussed throughout prosecution; and (c) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because they are made in response to arguments raised in the final rejection. Entry of the amendments and reconsideration of the application are thus respectfully requested.

Regarding the objection of claim 22 for allegedly informalities:

Applicants respectfully traverse the objection of the foregoing claim.

In response to the objections, claim 22 was amended to replace the phrase "capital every" with the phrase "capillary" as suggested by the Patent Office. Applicants submit that the amendments to claim 22 overcome the claim objection as set forth in the Office Action.

Applicants respectfully request withdrawal of the objection to the claim.

US Serial No. 10/597297
Page 6 of 11

Regarding the rejection of claim 1-3, 5-16, 18 and 20-22 under 35 USC 103(a) as being unpatentable over U.S. Patent No. 954,426 to Dreifuss in view of U.S. Patent No. 5,457,822 to Kammsteiner and U.S. Patent No. 2,760,209 to Ewing et al. (hereinafter "Ewing"):

Applicants respectfully traverse the rejection of the foregoing claims in view of Dreifuss, Kammsteiner and Ewing.

Prior to discussing the merits of the Examiner's position, the undersigned reminds the Examiner that the determination of obviousness under § 103(a) requires consideration of the factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1 [148 USPQ 459] (1966): (1) the scope and content of the prior art; (2) the differences between the claims and the prior art; (3) the level of ordinary skill in the pertinent art; and (4) secondary considerations, if any, of nonobviousness. *McNeil-PPC, Inc. v. L. Perrigo Co.*, 337 F.3d 1362, 1368, 67 USPQ2d 1649, 1653 (Fed. Cir. 2003). There must be some suggestion, teaching, or motivation arising from what the prior art would have taught a person of ordinary skill in the field of the invention to make the proposed changes to the reference. *In re Fine*, 837 F.2d 1071, 1075, 5 USPQ2d 1596, 1600 (Fed. Cir. 1988). But see also *KSR International Co. v. Teleflex Inc.*, 82 USPQ2D 1385 (U.S. 2007).

A methodology for the analysis of obviousness was set out in *In re Kotzab*, 217 F.3d 1365, 1369-70, 55 USPQ2d 1313, 1316-17 (Fed. Cir. 2000) A critical step in analyzing the patentability of claims pursuant to section 103(a) is casting the mind back to the time of invention, to consider the thinking of one of ordinary skill in the art, guided only by the prior art references and the then-accepted wisdom in the field. Close adherence to this methodology is especially important in cases where the very ease with which the invention can be understood may prompt one "to fall victim to the insidious effect of a hindsight syndrome wherein that which only the invention taught is used against its teacher."

US Serial No. 10/597297
Page 7 of 11

It must also be shown that one having ordinary skill in the art would reasonably have expected any proposed changes to a prior art reference would have been successful. *Amgen, Inc. v. Chugai Pharmaceutical Co.*, 927 F.2d 1200, 1207, 18 USPQ2d 1016, 1022 (Fed. Cir. 1991); *In re O'Farrell*, 853 F.2d 894, 903-04, 7 USPQ2d 1673, 1681 (Fed. Cir. 1988); *In re Clinton*, 527 F.2d 1226, 1228, 188 USPQ 365, 367 (CCPA 1976). "Both the suggestion and the expectation of success must be founded in the prior art, not in the applicant's disclosure." *In re Dow Chem. Co.*, 837 F.2d 469, 473, 5 USPQ2d 1529, 1531 (Fed. Cir. 1988).

The Patent Office alleges that the combination of Dreifuss, Klamstein and Ewing teach or suggest each and every feature recited in claims 1-3, 5-16, 18 and 20-22. Applicants respectfully disagree with these allegations.

In view of the cancellation of claims 2 and 10, this rejection is moot with respect to those claims.

None of Dreifuss, Klamstein and Ewing, taken singly or in combination, teaches or suggests a device for dispensing a liquid into a vessel having a distal end extending outwardly with respect to a top of the reservoir from which the fluid is dispensed as a liquid or as a vapour, and means for securing the device adjacent the rim of the vessel with the reservoir outside the vessel at a position below the rim of the vessel and with the distal end of the liquid delivery means inside the vessel at a position below the level of the bottom of the reservoir as required by amended claim 1.

Dreifuss teaches a disinfecting appliance arranged at a position that is above a closet bowl and/or a urinal to pass disinfectant into the bowl and/or urinal. Dreifuss does not teach or suggest a distal end extending outwardly with respect to a top of a reservoir. Dreifuss also fails to teach or suggest means for securing the device adjacent the rim of the vessel with the reservoir outside the vessel as acknowledged on page 3 of March 28, 2008 Office Action. Moreover, Dreifuss does not teach or suggest that the reservoir

US Serial No. 10/597297
Page 8 of 11

outside the vessel is at a position below the rim of the vessel and that the distal end of the liquid delivery means inside the vessel is at a position below the level of the bottom of the reservoir as required by the present claims.

Klammsteiner and Ewing fail to remedy these deficiencies of Dreifuss. Klammsteiner teaches a device for dispensing disinfectant having one or more dispensing nozzles 18 adjacent a rim of a bowl (see FIG. 2, 3, 5, 6(a)-6(c) and col. 5, line 18-38 of Klammsteiner). Nowhere does Klammsteiner teach or suggest a distal end of the liquid delivery means inside a vessel at a position below a level of a bottom of a reservoir as recited in claim 1.

Ewing teaches a container for toilet disinfectant and deodorant having a conduit 27 of sufficient length to operatively connect discharge orifice 25 in depending arm 22 with the lowest point in the interior of another arm so that liquid in that arm can be moved to the discharge orifice (see col. 3, lines 48-53 and Figs. 3 and 4 of Ewing). Nowhere does Ewing teach or suggest a distal end extending outwardly with respect to a top of the reservoir, and means for securing the device with the reservoir outside the vessel at a position below the rim of the vessel and with the distal end of the liquid delivery means inside the vessel at a position below the level of the bottom of the reservoir as recited by claim 1.

Because the features of independent claim 1 are not taught or suggested by Dreifuss, Klammsteiner and Ewing, taken singly or in combination, these references would not have rendered the features of claim 1, 3, 5-9, 11-16, 18 and 20-22 obvious to one of ordinary skill in the art.

In view of the foregoing, reconsideration and withdrawal of this rejection are respectfully requested.

US Serial No. 10/597297
Page 9 of 11

Regarding the rejection of claim 17 under 35 USC 103(a) as being unpatentable over Dreifuss in view of Kammsteiner and further in view of U.S. Patent Publication No. 2004/0049839 to MoodyCliffe et al. (hereinafter "MoodyCliffe"):

Applicants respectfully traverse the rejection of the foregoing claim in view of Dreifuss, Kammsteiner and MoodyCliffe.

MoodyCliffe does not remedy the deficiencies of Dreifuss and Kammsteiner as described above with respect to independent claim 1, from which claim 17 depends.

None of Dreifuss, Kammsteiner and MoodyCliffe, taken singly or in combination, teaches or suggests a device for dispensing a liquid into a vessel having a distal end extending outwardly with respect to a top of the reservoir from which the fluid is dispensed as a liquid or as a vapour, and means for securing the device adjacent the rim of the vessel with the reservoir outside the vessel at a position below the rim of the vessel and with the distal end of the liquid delivery means inside the vessel at a position below the level of the bottom of the reservoir as required by amended claim 1. At best, MoodyCliffe discloses a lavatory freshening and/or cleaning system comprising a dispenser for dispensing a liquid composition from under the rim of a lavatory bowl (see paragraph [0013] of MoodyCliffe).

In view of the foregoing, reconsideration and withdrawal of this rejection are respectfully requested.

Regarding new claims 23 and 24:

The references of record, taken singly or in combination, fail to teach or suggest a device wherein the fluid is delivered by continuous syphonic-action between the proximal end to the distal end of the liquid delivery means as required by new claim 23.

JAN 12 2009

US Serial No. 10/597297
Page 10 of 11

The references of record, taken singly or in combination, fail to teach or suggest a device wherein the position of the distal end is below an end of the means for securing the device adjacent the rim of the vessel as required by new claim 24.

Should the Examiner in charge of this application believe that telephonic communication with the undersigned would meaningfully advance the prosecution of this application, they are invited to call the undersigned at their earliest convenience.

The early issuance of a *Notice of Allowability* is solicited.

PETITION FOR A ONE-MONTH EXTENSION OF TIME

The applicants respectfully petition for a one-month extension of time in order to permit for the timely entry of this response. The Commissioner is hereby authorized to charge the fee to Deposit Account No. 14-1263 with respect to this petition.

CONDITIONAL AUTHORIZATION FOR FEES

Should any further fee be required by the Commissioner in order to permit the timely entry of this paper, including any extension of time fees, the Commissioner is authorized to charge any such fee to Deposit Account No. 14-1263.

Respectfully Submitted;



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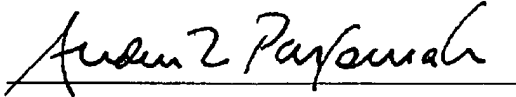


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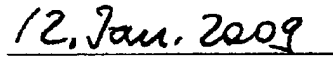
US Serial No. 10/597297
Page 11 of 11

CERTIFICATION OF TELEFAX TRANSMISSION:

I hereby certify that this paper and all attachments thereto is being telefax transmitted to the US Patent and Trademark Office to telefax number: 571 273-8300 on the date shown below:



Andrew N. Parfomak



Date:

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